United Nations S/2018/444

Security Council

Distr.: General
10 May 2018

Original: English

Letter dated 9 May 2018 from the Permanent Representative of Poland to the United Nations addressed to the Secretary-General

I have the honour to inform you that, under the presidency of the Republic of Poland, the Security Council is scheduled to hold a ministerial open debate on the subject "Protection of civilians in armed conflict" on 22 May 2018. To help to guide the discussion during the event, Poland has prepared a concept note (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council in connection with the item entitled "Protection of civilians in armed conflict".

(*Signed*) Joanna **Wronecka**
Ambassador

18-07619 (E) 150518

Please recycle

Annex to the letter dated 9 May 2018 from the Permanent Representative of Poland to the United Nations addressed to the Secretary-General

Concept note for the Security Council open debate on the protection of civilians in armed conflict, to be held on 22 May 2018

Overview

1. Over the past 12 months, tens of thousands of civilians have been killed or injured and millions have been forced to flee their homes as a direct result of armed conflict. Last year, United Nations actors recorded more than 26,000 civilian casualties in only six countries (Afghanistan, Central African Republic, Democratic Republic of the Congo, Iraq, Somalia and Yemen), caused by deliberate or indiscriminate attacks. Similarly, in Libya, Mali, Nigeria, South Sudan, the Syrian Arab Republic and Ukraine, parties to armed conflict continue to cause disproportionate civilian harm. The urbanization of conflicts, attacks on civilian objects and the continued use of explosive weapons in populated areas in the course of hostilities have been of particular concern in this regard.

2. These worrying trends underline the need to enhance respect for international humanitarian law by parties to conflict, including by prompting the implementation of practical precautionary measures adapted to the realities of today's armed conflicts. Existing national frameworks, as well as commitments and action plans by parties to conflict, provide examples of good practice which can be promoted, including through engagement with non-State armed groups.

3. Poland, which is presiding over the Security Council in May 2018, mindful of the ongoing large-scale civilian harm, destruction and suffering caused by the behaviour of parties to armed conflict, will convene a ministerial-level open debate on the protection of civilians in armed conflict to discuss the annual report of the Secretary-General on this essential topic and to promote practical measures through which such impact can effectively be prevented or minimized.

4. The practical measures to be discussed are those which are being taken by parties to armed conflict, Member States, the United Nations and other partners in order to improve respect for international law, including international humanitarian law and human rights law, and which serve to enhance the protection of civilians, including persons in vulnerable situations and those in need of special protection: women, children, persons with disabilities, missing persons and detainees.

5. The Council has discussed the protection of civilians and civilian objects in armed conflict on numerous occasions. In the past two years alone, the Council has held five meetings on the topic. In numerous decisions, the Council has consistently called upon all parties to conflict to respect international humanitarian law, as well as human rights law and refugee law, as appropriate, and to promote good practices by parties to conflict. The Council has specifically underscored the continuing importance of enhancing respect for international humanitarian law by non-State armed groups, of humanitarian actors' engagement with all parties towards that goal and of gaining safe and unimpeded access to people in need of assistance. In its resolution 1894 (2009), the Council decided that United Nations peacekeeping operations must prioritize the protection of civilians in allocating available capacity and resources, underlining the importance that it attaches to this issue. In the presidential statement of 25 November 2015 (S/PRST/2015/23), the Security Council qualified the protection of civilians in armed conflict as "one of the core issues on its agenda".

6. In May 2018, it will have been two years since the Security Council adopted its landmark resolution 2286 (2016) under its protection of civilians agenda — its first resolution dedicated solely to the protection of medical personnel, equipment and facilities in armed conflict. In that resolution, the Council outlined a road map for action by States and parties to conflict, calling upon them to develop domestic legal frameworks that ensure respect for relevant international law; to collect data on obstructions to the provision of medical care; to share challenges and good practices; to integrate precautionary measures in the planning and conduct of operations; to conduct investigations into violations affecting the provision of medical care; and to adopt remedial measures, including accountability and reparations. The Council also demanded that all parties to armed conflict facilitate safe and unimpeded passage for medical personnel and humanitarian personnel exclusively engaged in medical duties, their equipment, transport and supplies, including surgical items, to all people in need, consistent with international humanitarian law. Lastly, the Council requested the Secretary-General to provide recommendations to enhance the protection of medical personnel, equipment and facilities in conflict. Those recommendations (S/2016/722) list concrete ways in which all stakeholders can work towards that goal.

Objectives

7. The main aim of the debate will be to advance the protection of civilians at all levels and to encourage efforts to enhance respect for international humanitarian law and human rights law by parties to conflict, Member States, regional organizations and the United Nations, as well as to develop and implement policies and strategies to avoid civilian harm in the conduct of hostilities, including in the context of the "global effort" called for by the Secretary-General in his report of May 2017 on the protection of civilians in armed conflict (S/2017/414).

8. The debate will comprise a review of the current state of protection of civilians, including the extent of respect for international law, and allow Member States to express their views on how to improve it. The annual report of the Secretary-General on the protection of civilians in armed conflict will provide the necessary basis in that regard.

9. Member States are requested to share their views on existing good practices with regard to international humanitarian law. Such practices could include measures that Member States have taken to limit harm to civilians during military operations, to facilitate the rapid and unimpeded delivery of humanitarian and medical assistance and to promote respect for international humanitarian law by parties to armed conflict over which they have influence, including in the context of urban warfare. Member States are encouraged to refer to specific policies and practices that have been adopted to ensure respect for the law and accountability for serious violations thereof. They are welcome to discuss pledges to improve the implementation of best practices, such as the Kigali Principles on the Protection of Civilians. Member States are also invited to consider steps that can be taken to encourage non-State armed groups to respect international humanitarian law, including such initiatives as the deeds of commitment developed by the non-governmental organization Geneva Call. Member States are further invited to engage with civil society, the United Nations and impartial humanitarian organizations such as the International Committee of the Red Cross. Lastly, Member States are requested to reflect on the role of the Security Council in promoting the development of protection policies and the adoption of good practices by parties to conflict.

Format, participants and outcome

10. The ministerial-level open debate will be opened with briefings by the Secretary-General, the Director General of the International Committee of the Red

Cross, Yves Daccord, and a civil society representative, Hanaa Edwar. The debate will be chaired by the Minister for Foreign Affairs of Poland, Jacek Czaputowicz.

11. Representatives of States that are not members of the Security Council will be invited to make interventions of no longer than three minutes, focusing on the points mentioned above. A summary of the meeting is to be circulated as a document of the Council and the General Assembly, with a view to facilitating the Council's possible follow-up on specific practical proposals put forward during the debate.

Indicative questions for consideration

12. The following questions could be considered during the open debate:

(a) What avenues could be pursued by the Security Council to strengthen the protection of civilians in armed conflict? What kinds of action can the Council take to effectively prevent and respond to violations of international humanitarian law and human rights law in situations of armed conflict?

(b) How can the Security Council and Member States ensure that international humanitarian law and international human rights law are respected in all circumstances in all forms of contemporary armed conflict?

(c) How can Member States take more effective and practical steps to use their influence and enhance respect for international humanitarian law by all parties to conflict? What other diplomatic forums, including regional ones, can Member States exploit to promote best practices?

(d) How can the Security Council further integrate the promotion of respect for international humanitarian law and human rights law into its work and within the context of United Nations peacekeeping?

(e) How can the Security Council support peacekeeping missions in better preventing threats to civilians?

(f) How can the Security Council support international courts and tribunals, as well as international investigative and judicial mechanisms, in ensuring accountability for violations of international humanitarian law and human rights law?

(g) What steps can be taken by Member States to promote adherence to commitments made by non-State armed groups as a result of their engagement with civil society, the United Nations and impartial humanitarian organizations such as the International Committee of the Red Cross?

(h) How can Member States make sure that strengthening the resilience of health systems is incorporated into their work? How can the Security Council and Member States enhance the implementation of resolution 2286 (2016) on the protection of medical personnel, equipment and facilities in armed conflict?